

AUG 08 2005

THE WEBB LAW FIRM

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FACSIMILE INFORMATION SHEET

RESPONSE UNDER 37 C.F.R §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1617

Name of Individual: MAIL STOP AF
Commissioner for Patents

Company: United States Patent and Trademark Office
City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Ann M. Cannoni, Esquire

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Total Number of Pages: 8

AUG 09 2005

Date Transmitted: August 8, 2005

CV01379K US

Client No.: 4686

File No.: 045566

Message:

Application No. 10/057,646
Inventors: Harry R. Davis
Filed: January 25, 2002
Title: COMBINATIONS OF NICOTINIC ACID AND DERIVATIVES THEREOF AND STEROL
ABSORPTION INHIBITOR(S) FOR VASCULAR INDICATIONS

Transmittal Form (1p)
Fee Transmittal 1p. (2x)
Notice of Appeal (2pp(2x))

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PTO/SB/21 (04-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/057,646
		Filing Date	January 25, 2002
		First Named Inventor	Harry R. Davis
		Art Unit	1617
		Examiner Name	Shengjun Wang
Total Number of Pages In This Submission	7	Attorney Docket Number	CV01379K US -- 4686-045566

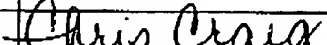
ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication To Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ann M. Cannoni The Webb Law Firm
Signature	
Date	August 8, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Chris Craig		
Signature		Date	08/08/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/057,646
		Filing Date	January 25, 2002
		First Named Inventor	Harry R. Davis et al.
		Examiner Name	Shengjun Wang
		Art Unit	1617
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	CV01379K US/4686-045566
TOTAL AMOUNT OF PAYMENT (\$) 500.00			

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: The Webb Law Firm

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) Under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ **Extra Claims** _____ **Fee (\$)** _____ **Fee Paid (\$)** _____ **Multiple Dependent Claims** _____
 HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = _____ **Extra Claims** _____ **Fee (\$)** _____ **Fee Paid (\$)** _____
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Notice of Appeal \$500.00

Fee Paid (\$)

500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	37,891	Telephone	412-471-8815
Name (Print/Type)	Ann M. Camroni	Date	August 8, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Response Under 37 C.F.R. §1.116
Expedited Procedure
Group Art Unit 1617

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Application No. 10/057,646
Paper Dated: August 8, 2005
Attorney Docket No. CV01379K US/4686-045566

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/057,646
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ABSORPTION INHIBITOR(S) FOR VASCULAR
INDICATIONS
Group Art Unit : 1617
Examiner : Shengjun Wang
Customer No. : 28289

FACSMILE NO. 703-872-9306
Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decisions dated May 10, 2005 and August 1, 2005, of the Primary Examiner finally rejecting claims 1-4, 7-10, 28-30, and 32.

I hereby certify that this correspondence is being sent via facsimile to:
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/08/2005
Date

Signature

Chris Craig

Typed Name of Person Signing Certificate


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Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,646
Paper Dated: August 8, 2005
Attorney Docket No. CV01379K US/4686-045566

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By 
Ann M. Cannoni
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